
V-46
MONTESSORI PARENTS, INC.
Plat and Covenants Vacation of Glenwood Heights
Subdivision, Lots 1 & 2

STAFF REPORT
May 10, 2012

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, also the owner, (represented by attorney Dan Teder and TBIRD Design Services) is requesting vacation of the plat and covenants for Lots 1 and 2 of Glenwood Heights Subdivision, located at the southeast corner of Soldiers Home Road and Sharon Road, in West Lafayette, Wabash 8 (NW) 23-4.

The Montessori School has purchased the subject lots for the purpose of incorporating this land into the adjoining unplatted school property. As required, the application includes the names and addresses of all owners of real estate in the entire plat of Glenwood Heights Subdivision for the purpose of notification by certified mail of the public hearing. The application also includes copies of the Glenwood Heights Subdivision plat and covenants as recorded in the office of the Tippecanoe County Recorder on July 27, 1959 (Documents #6353 and #6354).

AREA ZONING PATTERNS:

The subject lots are zoned R1, as are properties to the north, south and east. To the west, across Soldiers Home Road is R3W zoning.

AREA LAND USE PATTERNS:

These two lots are each occupied by a single-family home, as are all of the other lots in the Glenwood Heights Subdivision (to the east and north). To the west is an apartment complex. Adjoining to the south is the Montessori School.

TRAFFIC AND TRANSPORTATION:

The *Thoroughfare Plan* classifies Soldiers Home Road as an urban secondary arterial. Sharon Road is classified as an urban local road.

STAFF COMMENTS:

As stated above the Montessori School wishes to use these two platted lots in conjunction with the main school property. The fact that these lots are platted does not prevent their use with the school. However, the school may wish to demolish the existing homes and construct a new building over a platted lot line, which is not permitted. This is possibly one reason for the plat vacation request, but it has not been specifically stated in the petition. The R1 zoning allows the use of these lots for school

purposes. However, petitioner is proposing the vacation of all the Glenwood Heights Subdivision covenants as they pertain to Lots 1 and 2. These covenants include a restriction that states (B-1) *"No lot shall be used except for residential purposes ..."*, which is the key reason for the vacation request. Should the Commission vote to approve the vacation of these covenants they will remain in full force and effect for the rest of the Glenwood Heights Subdivision.

The following staff comments pertain to the items on the ballots for **Vacation of Lots 1 and 2 in Glenwood Heights Subdivision** and **Vacation of Covenants for Lots 1 and 2 in Glenwood Heights Subdivision**.

Pursuant to Indiana Code 36-7-4-711, the Area Plan Commission must make the following findings and conclusions in order to approve this proposed plat vacation. It is staff's opinion that *(for the items on **Vacation of Lots 1 and 2 in Glenwood Heights Subdivision** ballot)*:

1. According to the Tippecanoe County Auditor's records, the petitioner **is** the owner of said Lots 1 and 2 in Glenwood Heights Subdivision;
2. Conditions in Lots 1 and 2 in Glenwood Heights Subdivision **have not** changed so as to defeat the original purpose of the Glenwood Heights Subdivision. Since the recording of the plat in 1959, these lots were developed and have remained as single-family residential lots. The fact that the ownership of these lots has changed did not change any conditions in the platted area, nor does this prevent the use of the lots as originally intended.
3. It **is not** in the public interest to vacate the plat of Lots 1 and 2 in Glenwood Heights Subdivision. Vacating these lots will only benefit the petitioner, allowing the massing of the lot areas together and the possible construction of a building or buildings over the current lot lines.
4. The value of that part of Glenwood Heights Subdivision not owned by the petitioner **will not** be diminished by the vacation of the plat of Lots 1 and 2 in Glenwood Heights Subdivision. The R1 zoning permits the use of the property by the school, and replatting the lots through the subdivision process could create the same lot configuration.

Pursuant to Indiana Code 36-7-4-714, the Area Plan Commission must make the following findings and conclusions in order to approve the proposed covenants vacation. It is staff's opinion that *(for the items on **Vacation of Covenants for Lots 1 and 2 in Glenwood Heights Subdivision** ballot)*:

- 1a. Lots 1 and 2 are in an area needing redevelopment. **No**

There is no evidence to show that these lots are located in a blighted area that would benefit from the removal of the subject subdivision covenants. In fact,

there is an active Glenwood Heights Neighborhood Association, as noted on the City of West Lafayette's Neighborhood Associations webpage.

- 1b. The vacation of the restrictive covenants for Lots 1 and 2 would promote recovery of property values in the area needing redevelopment by allowing or encouraging normal development and occupancy of Lots 1 and 2. **No**

Lots 1 and 2 were platted in 1959 and developed and occupied as originally intended with single-family residences. They continue today to be normally occupied, as are the surrounding properties in the Glenwood Heights neighborhood. Based on the Tippecanoe County Assessor's records, there is no evidence that these two lots or the area have lost any value that needs to be recovered.

2. The vacation of the restrictive covenants for Lots 1 and 2 is needed to secure for the public adequate light, air, convenience of access, or safety from fire, flood, or other danger. **No**

Removing the covenants from these lots will only benefit the petitioner. The properties have already been developed in compliance with the covenants, as well as local zoning and subdivision standards, in a way that is safe for the general public.

3. The vacation of the restrictive covenants is needed to lessen or avoid congestion in the public ways. **No**

It is likely that the school's redevelopment of Lots 1 and 2 would actually increase local traffic congestion. Based on "Trip Generation, 7th Edition, Volumes 2 and 3" from the Institute of Transportation Engineers, a single-family residence generates 9.57 trips per day. A land use like the Montessori School with 150 students (based on the school's 2001 enrollment) can generate 135 trips in the morning (based on a rate of 0.90 trips per student) and 92 trips in the afternoon (based on a rate of 0.61 trips per student). Today's enrollment has probably increased, as stated in the petition.

STAFF RECOMMENDATION:

Denial of the vacation of Lots 1 and 2 in Glenwood Heights Subdivision

Denial of the vacation of the covenants that pertain to Lots 1 and 2 in Glenwood Heights Subdivision